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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,994	02/16/2001	Takao Mohri	1359.1040	1681

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EXAMINER

WINDER, PATRICE L

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/785,994

**Applicant(s)**

MOHRI ET AL.

**Examiner**

Patrice Winder

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-6 and 9-13 is/are rejected.
- 7) ☒ Claim(s) 2,7 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 3-5 and 9-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al., USPN 6,377,991 B1 (hereafter referred to as Smith).
3. Regarding claim 1, Smith taught a facilitator having a distributed configuration (abstract) comprising:

cell apparatuses for conducting distributed processes, disposed between a server apparatus and a client apparatus connected through a computer network, for facilitating the server apparatus and the client apparatus so that they are concealed from each other (column 10, lines 15-24),

wherein at least one of the cell apparatuses of the facilitator is a dual cell apparatus that functions as a query cell apparatus for conducting a process of behaving as a querier making a request and as an answer cell apparatus for conducting a process of behaving as an answerer giving an answer to the request (column 10, lines 48-54), and

the dual cell apparatus has functions of two cells for behaving as a query cell apparatus with respect to transfer contents of a request from a querier to the server apparatus and for behaving as an answer cell apparatus to the request with respect to the client apparatus to transfer an answer from the server apparatus to the client apparatus (column 11, lines 41-44, 54-67).

4. Regarding dependent claim 3, Smith taught the network includes a firewall, the server apparatus and client apparatus are disposed across entities partitioned by the firewall, the dual cell apparatus is provided on the firewall, and the facilitator is configured across the firewall (column 2, lines 23-32).

5. Regarding dependent claim 4, Smith taught a channel forming a data path, a plurality of dual cell apparatuses are provided in parallel (column 4, lines 32-35), whereby the plurality of channels, each forming data path, are provided (column 10, lines 48-54).

6. Regarding dependent claim 5, Smith taught the dual cell apparatus includes a temporary storing part for temporarily storing query contents and answer contents transmitted via the dual cell apparatus, and has a cache function of, in case where the same query contents are repeated, omitting transmission of the query contents and

providing answer contents corresponding to query contents stored in the temporary storing part (column 11, lines 41-67).

7. The language of claim 9 is substantially the same as previously rejected claim 1. Therefore, claim 9 is rejected on the same rationale as claim 1.

8. Regarding claim 10, Smith taught a facilitator having a distributed configuration (abstract) comprising:

cell apparatuses for conducting distributed processes, disposed between a server apparatus and a client apparatus connected through a computer network, for facilitating the server apparatus and the client apparatus so that they are concealed from each other (column 10, lines 15-24),

wherein at least one of the cell apparatuses of the facilitator is an integrated cell apparatus that functions as a query cell apparatus for conducting a process of behaving as a querier making a request, as a answerer cell giving an answer to the request, and as a transfer cell for conducting a process of behaving as a transferor that transfers contents received from another cell to a predetermined transfer cell apparatus (column 10, lines 48-54), and

the integrated cell apparatus operates by selecting one of behavior as the single query cell apparatus, behavior as the single answer cell apparatus, behavior as the single transfer apparatus, behavior as a dual cell apparatus having two functions of behaving as a query cell apparatus with respect to the server apparatus to transfer contents of a request from a querier to the server apparatus and for behaving as an answer cell apparatus to the request with respect to the client apparatus to transfer an

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answer from the server apparatus to the client apparatus (column 11, lines 41-44, 54-67), and the selected behavior can be changed (column 11, lines 41-47, column 12, lines 1-10).

9. The language of claims 11-13 is substantially the same as previous rejected claims 1 and 10. Therefore, claims 11-13 are rejected on the same rationale as claims 1 and 10.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Beurket et al., USPN 6,122,666 (hereafter referred to as Beurket).

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13. Regarding dependent claim 6, Smith does not specifically teach the dual cell apparatus includes an information rewriting part. However, Beurket taught a dual cell apparatus includes an information rewriting part for rewriting information contents passing through the dual cell apparatus to send them (column 3, lines 2-8), and the rewriting part holds information for converting an information format of one of the apparatuses communicating through the dual cell apparatus to an information format of the other apparatuses (column 3, lines 52-61), and converts an information format of input from the apparatus communicating through the dual cell apparatus to an information format of the other apparatus to send it to the other apparatus (column 6, lines 22-41). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Beurket's rewriting information part in Smith dual cell apparatus would have improved system responsiveness. The motivation would have been to provide transformation of the requested contents as appropriate.

***Allowable Subject Matter***

14. Claims 2 and 7-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

15. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to teach or suggest the cell apparatus of the facilitator are classified on a group basis to form a plurality of groups, the dual cell apparatus is

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disposed on a border between the groups, and communications between the groups is conducted through the dual cell apparatus.

### ***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Cohen et al., USPN 6,330,561 B1: taught a proxy receives a request for a resource and depending on information in the proxy cache, generates a resource request for a resource server;

b. Farber et al., USPN 6,185,598 B1: taught resource requests made by clients of origin servers in a network are intercepted by reflector mechanisms and selectively reflected to other servers called repeaters; and

c. Gupta et al., USPN 6,704,786 B1: taught a router incorporating a transparent proxy cache.


17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is 703-305-3938. The examiner can normally be reached on Monday-Friday, 10:30 am-7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 703-308-3662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patrice Winder  
Primary Examiner  
Art Unit 2155

plw